

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MCMILLAN DATA COMMUNICATIONS,
INC.,

Plaintiff,

v.

AMERICOM AUTOMATION SERVICES,
INC., et al.,

Defendants.

Case No. 14-cv-03127-JD

**ORDER ADOPTING REPORT AND
RECOMMENDATION**


Re: Dkt. No. 38

The Court has reviewed Magistrate Judge Nathanael Cousins's report and recommendation, recommending that plaintiff McMillan Data Communications's motion for default judgment be granted. Dkt. No. 38. Magistrate Judge Cousins's report and recommendation was filed on June 30, 2015. No objections have been filed in response to the report, and the time to file objections has expired. *See* Fed. R. Civ. P. 72(b).

The Court agrees that the motion should be granted with respect to McMillan's claims for breach of contract, common counts, breach of guarantee, and breach of promissory note, and that judgment should be entered in McMillan's favor in the amount of \$389,930.39, for the reasons stated in the report and recommendation. The Court also agrees that AmeriCom is liable for a maximum of \$389,930.39, Traci Pelayo is jointly and severally liable for a maximum of \$378,884.48, and that Justin Pelayo is jointly and severally liable for a maximum of \$340,851.82. Consequently, the Court adopts the report and recommendation of Magistrate Judge Cousins in full, and directs the clerk to enter judgment in McMillan's favor.

IT IS SO ORDERED.

Dated: July 16, 2015



JAMES DONATO
United States District Judge